

## **REMARKS**

Claims 1, 3, 5-9, 13, 14 and 38-50 were pending. Claim 50 has been canceled. Claims 1, 38, 42-45, 48 and 49 have been amended. Upon entry of this amendment, claims 1, 3, 5-9, 13, 14 and 38-49 are pending and under consideration.

### **I. CLAIM AMENDMENTS**

Claims 1, 38, 42-45, 48 and 49 have been amended to delete the term “solvate”. These amendments do not introduce new matter, thus entry thereof is respectfully requested.

### **II. REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 3, 5-9, 13, 14 and 38-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner alleges that the solvate form of the claimed compound is not described in the specification and that the specification does not support and/or suggest the synonymous association between a solvate and a hydrate (Office Action, page 4, the 3<sup>rd</sup> full paragraph).

In this regard, Applicant respectfully submits that claims 1, 38, 42-45, 48 and 49 have been amended to delete the term “solvate”, without acquiescing to the rejection and solely to expedite allowance. Therefore, the rejection is moot with respect to these claims. Additionally, claim 50 has been canceled rendering the rejection moot. Therefore, the rejection should be withdrawn.

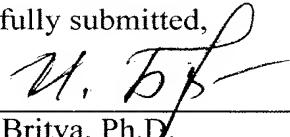
**CONCLUSION**

In view of the foregoing, all the rejections of the claims should be withdrawn. Reconsideration, entry of above amendment and remarks, and allowance of the pending claims are respectfully requested.

No fee is believed due with this submission. However, if the Examiner determines that any fee is due, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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